

# How the Drycleaner Environmental Response Act (DERA) Affects Your Drycleaning Business

## ***Perchloroethylene User's Guide***

***August, 2002, Version 1.1***

The Drycleaner Environmental Response Act (DERA) became effective January 3, 1997.

This User's Guide summarizes the DERA regulations that affect your business, but please read the full regulations carefully. To obtain them, contact KDHE at the address at the end of this User's Guide. A Self Inspection Checklist is also available so you can check what KDHE inspects to determine if your operation is in compliance with DERA.

The regulations cover wastewater disposal, proper containers and containment systems, and delivery systems for drycleaning solvents. All regulations are currently in effect.

Other regulations exist that cover hazardous waste and air. This User's Guide and Self Inspection Checklist does not discuss these regulations. Contact KDHE if you want additional information on these programs.

## **What do I need to do under the regulations?**

Register your business annually.

Facilities must complete the registration form within 30 days of start up. A new form must be submitted to KDHE within 30 days of a change in ownership.

All drycleaners must renew the registration annually. The form will be sent to you by KDHE each year.

### **Dispose of your solvents and wastes if going out of business.**

If you have gone out of business or are going out of business, remove all drycleaning solvents and wastes from your facility within 45 days of the last day of operation. This also applies if you will cease operation for 45 continuous days. You may request an extension by contacting KDHE.

## **Wastewater Disposal**

Drycleaning wastewater is hazardous waste, and must be handled according to regulations. Do not dispose of wastes, including wastewater or solvents, into underground tanks, sanitary sewers, storm sewers, septic tanks, floor drains, or any other outlet that leads to the soil or water. *Drycleaning wastewater* means separator water and all other water generated during drycleaning.

**Off-site disposal:** You must have an approved hazardous waste hauler carry your hazardous waste to an off-site hazardous waste treatment, storage, or disposal facility.

**On-site disposal.** In most cases, this applies only to the proper evaporation of drycleaning wastewater. If you do not evaporate or mist your wastewater, it must be removed by a hazardous waste hauler.

## **Hazardous Waste Storage**

Hazardous waste containers must be:

- **in good condition** and not leaking.
- **Compatible** with the materials to be stored.
- **always closed** except when adding or removing waste. Do not open, handle, or store containers in a way that could rupture the container or cause it to leak.
- **inspected** at least weekly. Look for deterioration from corrosion or other factors and document these inspections in an inspection log.
- **clearly marked.** Label or clearly mark each container and tank with stored or accumulating hazardous waste with the words "Hazardous Waste." For Small Quantity Generators, any container that will accumulate or store hazardous waste for more than 72 hours must also be marked with the **date** accumulation began so the date can be easily seen.
- **separated from incompatible materials.** Do not store incompatible wastes in the same container or in containers next to each other unless they are separated by a dike, berm, wall, or other barrier. Do not place hazardous waste in an unwashed container that had contained incompatible materials.
- **kept within a secondary containment.**

### **Additional wastewater requirements**

- Drycleaning wastewater shall not be stored for more than 60 days.
- You may evaporate your drycleaning wastewater or have it removed by a registered hazardous waste hauler. Evaporator units must be heated units or non-thermal units utilizing air atomization or misting, made of materials compatible with and

impervious to drycleaning wastewater. The drycleaning wastewater put into the evaporator unit must contain *no free-phase drycleaning solvent*.

## Delivery system and containment requirements

These requirements must be met by all drycleaning facilities.

### 3. Use approved solvent delivery systems and containment structures

**Direct-coupled delivery:** You must use a direct-coupled delivery system to receive drycleaning solvent. Direct-coupled systems must be permanently affixed to the drycleaning system

#### Secondary Containment

- Install secondary containment structures around each machine, including the permanently attached portions of the delivery systems, and around each storage area for drycleaning solvents, wastes, and wastewater.
- Secondary containment is defined as a tank, tray, containment pallet, containment basin, or a floor surface contained within a dike designed to contain spills and leaks from drycleaning units, drycleaning solvent storage areas, or drycleaning waste storage areas.

### 3. Install secondary containment around machines

- **Materials:** All structures, sealants, and caulk must be impervious to and compatible with drycleaning solvents and drycleaning wastes. Materials other than epoxy or steel may be used only upon approval of KDHE. Polyethylene has been approved by KDHE as a suitable material.
- **Capacity:** It must be large enough to contain any spill, leak, or release of solvent and/or waste. To find the volume, measure the structure's width, length, and height in inches and multiply them. (Volume = Width x Length x Height). Divide this total of cubic inches by 231 to get the capacity in gallons. Compare that with the amount of solvent or wastes stored within the containment.
- **No exterior drainage.** There should be no floor drains in any secondary containment structure. A floor drain is "any opening which is less than three inches above the floor surface and which leads to a septic tank, storage tank, sanitary sewer, storm sewer, or soils or waters of the state. An opening sealed with a removable seal which prevents drycleaning solvent and drycleaning wastewater from entering the opening is not considered a floor drain."

### 4. Install secondary containment around material and waste storage

- All structures must be made of materials that are impervious to and compatible with the drycleaning solvents and wastes. KDHE has approved polyethylene as a suitable material.
- Sealants and caulk used must be impervious and compatible as well.
- The structures must be large enough to contain any spill, leak, or release of solvent or waste.

### 4. Keep a weekly inspection log

- You must do a weekly inspection and keep your inspection logs on the premises for at least five years. You must make any repairs within five days of detection. Your log should be available for KDHE inspectors and contain the following:
  - Dates of inspection
  - Brief description of each deficiency, if any. This might include, for example, any holes or other defects that would keep the secondary containment from containing a leak or spill of solvent or waste, or both.
  - Date of repair of each of those deficiencies
  - Brief description of those repairs

**The Drycleaning Facility Release Trust Fund has been created so KHDE can take corrective action at contaminated sites.** Receipts come from the environmental surcharge on solvent purchases and 2.5% of gross receipts (not including sales tax), solvent fees, and registration fees. If you have soil or groundwater contamination and would like to learn more about the fund, contact:

- Kansas Drycleaning Program  
Kansas Department of Health & Environment  
Curtis Building, 1000 SW Jackson, Suite 410  
Topeka, KS, 66612-1367
- Phone: (785) 296-6370
- E-mail: [bjurgens@kdhe.state.ks.us](mailto:bjurgens@kdhe.state.ks.us)